

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
Stella B. Werner Council Office Building
Rockville, Maryland 20850
(240) 777-6660

IN THE MATTER OF:

LUKE and KCRYSTAL BOSCHMA

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OZAH Case No. 16-12

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**ORDER TRANSFERRING CONDITIONAL USE
FROM LUKE AND KCRYSTAL BOSCHMA TO
SANDRA AND DANIEL CHAO**

On August 1, 2016, the Hearing Examiner approved the above conditional use for an accessory apartment on property located at 2610 Arcola Avenue, Silver Spring, Maryland, under §§59.3.3.3.A. and B. of the 2014 Zoning Ordinance.

On February 10, 2020, Mr. Daniel Chao submitted a request to transfer the above-captioned conditional use to he and his wife, Sandra Chao. In support of the request, he submitted a deed transferring the property from Luke and Kcrystal Boschma to he and his wife in fee simple. The transfer request submitted does not seek to modify the conditional use. Mr. Chao also provided the Hearing Examiner with the Boschma's current address and a check in the amount of \$240.00, payable to Montgomery County, Maryland.

Transfers of conditional uses are governed by OZAH's Land Use Rules of Procedure, which states:

27.0 Transfer of Conditional Use to a New Holder. A conditional use may be administratively transferred from a conditional use holder to a new holder...by registering the transfer with OZAH in accordance with this Rule. Such a transfer is not an amendment to the conditional use...

a) To transfer a conditional use to a new holder...the existing and proposed holders must submit a notarized letter to OZAH, signed by the land owner(s), the existing conditional use holder(s), the existing conditional use holder(s) and the proposed new conditional use holder(s), seeking the change...of a conditional use holder.

b) Unless the Director of OZAH determines that the request for an administrative change does not comply with this Rule, the Director must make the administrative change to the conditional use records and send confirmation of that change to the Department of Permitting Services, the Planning Department, the Board of Appeals, the land owner(s) of the conditional use site and the old and new conditional use holder(s).

- c) The change in the name of the conditional use holder(s) must be recorded in the conditional use case file.
- d) If the Director of OZAH determines that the requested administrative change does not comply with this Rule, the Director must so notify the land owner(s) of the conditional use site, the conditional use holder(s) and the proposed new conditional use holder(s).

In lieu of a notarized statement, Mr. Chao has provided a copy of the deed transferring the property in fee simple from Mr. and Mrs. Boschma to Mr. and Mrs. Chao.. 13-01181602. The Hearing Examiner has verified (through the records of the Maryland State Department of Assessment and Taxation and the land records (<https://mdlandrec.net/main/>) that this is the most recent deed transferring the property. Mr. Chao also provided Mr. Boschma's new address, and he will be provided with a copy of this Order. As the deed is a recorded document, the Hearing Examiner deems this sufficient proof that Mr. and Mrs. Boschma no longer own or have an interest in the property.

Therefore, the Hearing Examiner hereby transfers the conditional use holder from the Boschmas to Daniel and Sandra Chao. This Order shall be retained in the conditional use file and a copy shall be sent to the former conditional use holders, Luke and Kcrystal Boschma, as well as all others required by Rule 27 of OZAH's Land Use Rules of Procedure.

All conditions of approval contained in the Hearing Examiner's Report and Decision in this case remain in full force and effect.

So Ordered this 20th day of February 2020.



Lynn Robeson Hannan
Hearing Examiner

COPIES TO:

Luke and Kcrystal Boschma
9620 Parkwood Drive
Bethesda, MD 20814
Daniel and Sandra Chao
Robert Kronenberg, Deputy Director,
Montgomery County Planning Department
Victor Salazar, Montgomery County
Department of Permitting Services
Ehsan Motazedi, Montgomery County
Department of Permitting Services
Barbara Jay, Executive Director, Board of Appeals